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June 11, 2021

**BY ECF & ELECTRONIC MAIL**

Honorable Katherine Polk Failla  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

**Re: Suy, et al. v. Excel Food Corp., et al.,**  
**18 Civ. 12103 (KPF)**

Your Honor:

This firm represents Plaintiff in the above-referenced matter. The parties will be resolving this case through a Rule 68 Offer of Judgment (the "Offer") pursuant to *Mei Xing Yu v. Hasaki Rest., Inc.*, 944 F.3d 395, 414 (2d Cir. 2019). However, the parties need a bit more time to finalize their materials and submit the Offer to the Court. As such, the parties respectfully request that the deadline to submit settlement materials to the Court by June 14, 2021 be converted to a deadline to submit the Offer, and be extended by three weeks. This is the first request of its kind and is submitted on consent.

The parties thank the Court for its time and attention to this matter.

Respectfully Submitted,

/s/

Jesse Barton, Esq.  
Michael Faillace & Associates, P.C.  
*Attorneys for Plaintiff*

Application GRANTED. The parties shall file the proposed Rule 68 Judgment on or before **July 6, 2021**.

SO ORDERED.

Dated: June 11, 2021  
New York, New York



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE